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CP

**A. Counterplan Text**- Victims of repeated domestic violence will pursue civil protection orders and legal assistance. I reserve the right to clarify.

**B. Competition**- CP is mutually exclusive—victims can’t obtain a civil protection order or legal assistance against a dead offender. Also competes through net benefits—CP will show that it’s not necessary to kill the offender—every disadvantage to deadly force is a reason to not do the aff.

**C. Solvency and Net Benefit**- Studies indicate that a large number of victims actually do escape from their abusive partners. Jacobson and Gottman:[[1]](#footnote-1)

We have learned that, first of all, battered women do get out, and they do so at a very high rate indeed. John Gottman’s research on marriage shows that the divorce rate in the general population is typically from 2 to 5 percent over a two-year period. But in our study, the divorce rate was much higher among batterers and their spouses. So the real answer to the question of why battered women stay is that they do not stay. They are much more likely to leave than women in other unhappy marriages.

*Prefer this evidence because: A. It categorized the abusers evaluated in the study based on varying degrees of danger and found that overall among all categories of abusers most are not dangerous enough to prevent victims from leaving the relationship. All of their evidence assumes the most severe forms of abuse, but my study accounts for all the varying degrees of severity in domestic violence that their studies don’t consider. B. Aff evidence saying that victims increase abuse when they try to leave is flawed because it isn’t comparative with the actual rates of violence within the relationship, since most domestic violence within the home goes unreported. Only this study is comparative without being subject to underreporting because it contrasts divorce rates for average women with those for married women.*

**And**, legal assistance and civil protection orders are empirically successful—they’ve helped hundreds of thousands of victims. **Goodmark**:[[2]](#footnote-2)

As a lawyer, I had a circumscribed set of solutions that I could offer my battered clients: **civil protection orders**, custody and visitation orders, **divorces**, alimony and child support, **and assistance in understanding and negotiating cases in the criminal justice system**. Although I could **help clients** access shelter beds and counseling services, **legal interventions were the primary remedies available to battered women** in my jurisdiction, and the majority of women were steered toward those interventions. My community’s situation was not unusual; **since the** advent of the **Violence against Women Act** (“VAWA”), **resources have been poured into the development of** criminal and civil **legal responses to the needs of battered women.** And almost all of these legal interventions are premised on the notion that battered women want to end their relationships, invoke the power of the legal system to keep their batterers away, and ultimately sever all legal ties with their abusers. The legal system developed around the needs of battered women has undoubtedly helped hundreds of thousands of women and is certainly one crucial component for ensuring that battered women are safe from abuse.

*Prefer this evidence because: A. The impact is quantifiable. Goodmark indicates that the legal system has helped hundreds of thousands of victims from abuse, whereas the aff is reading generic evidence that says some victims are ignored, but not quantifying the solvency. Quantifiable impacts are preferable because otherwise you have no idea how big the impact really is. B. The evidence takes into account recent changes in the legal system that their studies don’t consider. Goodmark indicates that the Violence Against Women Act has massively reshaped the priorities of the legal system, which empirically denies the idea that there exists a legal culture barring victims from seeking protection.*

Civil protection orders are empirically the best way for victims to protect themselves. The victim’s search for legal intervention sends a message that the abuse will not be tolerated. **Goodmark 2**:[[3]](#footnote-3)

Victims have openly questioned how a piece of paper, even one issued by a court, can keep them safe. **A recent study showed**, however, **that women who obtain** and maintain **civil protection orders may be safer** over the nine-month period following an initial threat or abusive incident than victims who choose not to pursue an order. The study’s lead researcher stated, **“[C]ivil protection orders appear to be one of the few widely available interventions for victims of intimate partner violence that has demonstrated effectiveness**. That study noted that only about 20% of the approximately two million victims of domestic violence in the in the United States each year seek such orders. Other studies have reported that **women who secure protection orders report increases in their emotional well-being, sense of security, and control over their lives.** Battered women in a Maryland study stated that simply **filing a restraining order was one of the most helpful strategies available.** One commentator suggested that **this form of “[l]egal intervention works to interrupt the pattern of domination and control by directly restructuring the relationship level between the victim and abuser.**

*Prefer this evidence because: A. It’s comparative between other forms of legal intervention and civil protection orders. The aff’s evidence is generic and says the legal system fails but my evidence takes into account some flaws in the legal system and still concludes that protection orders can be an exception to the problem. B. The study is self-reporting—victims empirically confirm that protection orders increased their wellbeing. This comes before any other impact because all the aff evidence says that other options fail, but never actually evaluates how the victims’ lives are improved when they use deadly force.*

The message sent by legal intervention is empirically the most successful way for victims to end the abuse. Communicating dissatisfaction through the CP is vital to solvency. **Bowker**:[[4]](#footnote-4)

To be included in the study sample, a woman had to have been physically beaten at least once by a person with whom she was married or cohabiting at the time of the violence. The subjects must also have succeeded in terminating the violence, with or without the help of the abuser, for at least 1 year prior to the interview. Findings are presented about the experiences that husbands and wives had with violence before they met, the premarital violence occurring in their relationships, the characteristics of their marital relationships, the nature and extent of the violence suffered by the wives, and the relationships between the dimensions of marital violence and the previous experiences and marital characteristics of the couples. Also examined were the personal strategies and techniques used by the women to terminate their abuse. The four major sources of informal help used by the wives are discussed, namely, the wife's family, in-laws, neighbors, and friends; shelter services were also identified as an informal help source. The formal help-sources identified were the police, social service agencies, lawyers and district attorneys, and clergy. Women's groups were classified as semi-formal help sources. The husband's efforts to end the violence were also explored. A principal focus of the study was on the wife's judgment of her most and least successful efforts in ending the battering in the last incident as well as her global judgments about why the abuse ceased, and her specific recommendations and general advice to other battered women. Overall, it was found that the crucial factor was not always the nature of the strategy or help-source; what matters is the woman's showing her determination that the violence must stop immediately. Once the batterers became convinced of their wives' determination to end the violence, they usually reassessed their position in the marriage and decided to reform. The concluding chapter integrates this study with previous research and offers recommendations for dealing with spouse abuse. Tabular data, 143 references, and a subject index are provided.

*Prefer this evidence because: A. The study is comparative between all the alternatives available to victims, including deadly force, and concludes that determinations to end the violence like the CP are the most successful in changing the batterer. B. Success was evaluated after victims had stopped the violence for at least 1 year, which empirically denies the idea that victims who leave increase abuse.*

NECESSITY OVERVIEW

In order to prove self-defense, the aff must prove that deadly force is necessary. Otherwise, the victim didn’t have to kill to live, so it wasn’t self-defense. But, this means you negate for two reasons:

A. The CP disproves the necessity of deadly force because victims have another option available to them. Even if there’s no net benefit, the existence of an alternative proves that we shouldn’t take a life.

B. Since necessary is defined as “absolutely essential,”[[5]](#footnote-5) the aff has to win terminal defense on the CP and every other alternative to deadly force. Otherwise, there is always the risk that other options would have sufficed and that deadly force wasn’t necessary. However, to win such an argument requires proving an existential negative, the veracity of which is impossible to prove, since there are an infinite number of possible alternatives and ways the CP can be implemented that the aff can’t account for.

AT-LEAVING CAUSES RETALIATION

They don’t have to fear retaliation. Once victims go through the legal system they are empirically safer from follow-up violence. **Hart**:[[6]](#footnote-6)

Police departments in a few jurisdictions in Washington have established follow-up systems whereby patrol officers or detectives make telephone or house calls to apparent victims of domestic violence in the days immediately following the request for emergency police assistance. When contacting the battered woman, the outreach officer undertakes further investigation into criminal domestic violence, identifies the risks of batterer retaliation that may suggest particular conditions on bail or release, and offers women clarification about legal options to protect them. In completing the outreach interview, the officer gives the victim specific contact information should she have further questions or information to share. Outreach is effective only when responding officers obtain confidential contact information from battered women at the crime scene; contact information should include a telephone number whereby a message can be left for a victim if she cannot be reached in her own home. Some domestic violence programs have adopted outreach efforts whereby they attempt to contact battered women by phone the day following police response to an emergency domestic violence call. Communication by the domestic violence program after the immediate crisis of the criminal incident enables battered women to learn about legal options and community services in a context which is supportive, that fosters an exchange of information, and which engages a battered woman in critical thinking about safety strategies. Outreach, thus, often facilitates victim participation in and commitment to the criminal justice process.

AT-PROTECTION ORDERS VIOLATED/FALSE SENSE OF SECURITY

1. There’s no impact to a false sense of security. If victims feel secure, that’s a good thing even if they’re wrong because they’re happier overall.

2. The only reason that protection orders don’t work in the status quo is because victims haven’t made the unified effort of pursuing them. The CP solves their disads. **Meyer**:[[7]](#footnote-7)

What makes the difference for those whose protection orders are successful in ending the violence and those whose orders are not? Many things. Perpetrators are likely to violate orders, unless there are strong disincentives. Victims need direct services designed to support them and account for their practical, as well as their legal, needs. Another key component of success is the presence of an integrated and consistent protection order system that coordinates issuing, serving, and enforcing court orders. Not only will an integrated and competent system promote victim safety and help save lives, it can also save states millions of dollars.

AT-CHILDREN

1. There evidence identifies correlation not causation—it says children in homes with domestic violence commit more violence in the future but doesn’t indicate that domestic violence is the causal reason for that increased violence. Also, absent causality, it’s more likely true that one spouse killing another would cause the children to be even more violent in the future because the spouse no longer exists to offer the family any sort of financial, physical, or emotional support.

2. The CP solves for children because obtaining a civil protection order against domestic violence qualifies as an aggravating circumstance, warranting the inclusion of children into the protection order. **Meisner and Korn**:[[8]](#footnote-8)

**In many states, domestic violence committed in the presence of a child is treated as an “aggravating circumstance”** that can be considered at sentencing following a domestic violence conviction. **As an “aggravating circumstance,” a defendant convicted of a domestic violence crime that occurred in the presence of a child may face more severe penalties including increased periods of incarceration periods of incarceration** and/or fines. In addition to these increased penalties, some states will require the convicted defendant to undergo counseling and/or pay for any counseling that a child may require. Even if this type of reimbursement is not specifically provided by a statute, a court might be able to order it pursuant to other restitution laws. Aggravating circumstances that would tend to call for a more severe sentence should logically be considered as aggravating factors in setting the amount and conditions of bail as well. In those jurisdictions **recognizing domestic violence committed in the presence of a child as an aggravated circumstance**, prosecutors can also argue that **this factor warrants inclusion of the child in a protective order for the victim.**

3. The CP solves for children in several ways. **ACS**:[[9]](#footnote-9)

If you have children with the other party in a domestic violence protective order case, the judge may decide temporary custody of the children. The judge can decide a custody and visitation arrangement which will be in effect for one year if a long term order is granted. The judge can also order that the parent without custody pay child support.

1. “When Men Batter Women: New Insights Into Ending Abusive Relationships.” Neil Jacobson and John Gottman. Simon and Schuster Inc. 1998. [↑](#footnote-ref-1)
2. Law Is the Answer - Do We Know That for Sure: Questioning the Efficacy of Legal Interventions for Battered Women [article] Saint Louis University Public Law Review, Vol. 23, Issue 1 (2004), pp. 7-48 Goodmark, Leigh 23 St. Louis U. Pub. L. Rev. 7 (2004) [↑](#footnote-ref-2)
3. Law Is the Answer - Do We Know That for Sure: Questioning the Efficacy of Legal Interventions for Battered Women [article] Saint Louis University Public Law Review, Vol. 23, Issue 1 (2004), pp. 7-48 Goodmark, Leigh 23 St. Louis U. Pub. L. Rev. 7 (2004) [↑](#footnote-ref-3)
4. Title: Beating Wife-Beating Author(s): L H Bowker Sale: Lexington Books 866 Third Avenue New York, NY 10022 United States [↑](#footnote-ref-4)
5. necessary. Free Online Dictionary. Adjective. [↑](#footnote-ref-5)
6. “Battered Women and the Criminal Justice System.” Barbara J. Hart. 1992. [↑](#footnote-ref-6)
7. “Civil Protection Orders: A Guide for Improving Practice.” National Council of Juvenile and Family Court Judges Family Violence Department Maureen Sheeran Director Family Violence Department Principal Staff Author: Emilie Meyer, JD Attorney Family Violence Department Copyright © 2010 National Council of Juvenile and Family Court Judges [↑](#footnote-ref-7)
8. “Protecting Children of Domestic Violence Victims with Criminal No-Contract Orders.” Toolsi Gowin Meisner and Diana Korn. Issue 4, April 2011. [↑](#footnote-ref-8)
9. Alaska Court System. “Domestic Violence, Stalking, or Sexual Assault.” Self-Help Center: Family Law. [↑](#footnote-ref-9)